

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:17-MJ-497
)	
ROBIN DUCORE,)	
)	
Defendant.)	

JOINT MOTION TO EXTEND THE TIME
FOR THE RULE 5 PRELIMINARY HEARING

COMES NOW the United States of America by its attorneys, Dana J. Boente, United States Attorney for the Eastern District of Virginia, and Eduardo F. Bruera, Assistant United States Attorney, with the express consent of the defense counsel, Nina Ginsberg, and respectfully moves this Court to extend the time for the Rule 5 preliminary hearing in this case from January 5, 2018, until a day convenient for the Court during the week of January 8-12, 2018. In support thereof, the parties state as follows:

1. Federal Rule of Criminal Procedure 5.1(c) provides that the magistrate judge must hold a defendant's preliminary hearing "no later than 14 days after the initial appearance if the defendant is in custody and no later than 21 days if not in custody." However, Rule 5.1(d) provides that "[w]ith the defendant's consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times."

8. The defendant, Robin Ducore, has been charged in a criminal complaint with one count of interfering with a flight crew, pursuant to 49 U.S.C. § 46504. Ms. Ducore presently resides in New Jersey.

2. Ms. Ducore had her initial appearance on the complaint in this case on December 15, 2017. The government did not seek detention and Ms. Ducore has been released subject to a personal recognizance bond.

3. Ms. Ducore's counsel at that time, Jayson Brustman, was licensed to practice in Ms. Ducore's home state of New Jersey, but was not admitted to this Court.

4. Subsequent to her appearance, Ms. Ducore retained her current counsel, Nina Ginsberg, who is admitted to this Court. Ms. Ginsberg entered an appearance in this case on December 18, 2017.

5. Based on the date of her initial appearance and the 21-day deadline contemplated by Rule 5.1(c), Ms. Ducore's preliminary hearing would have to occur by January 5, 2018.

6. However, Ms. Ginsberg has not yet had a chance to confer with her client, who lives out of state, and to investigate the case. The defendant would therefore benefit from an opportunity to discuss the case more thoroughly with her counsel before deciding whether to proceed with or waive her preliminary hearing.

7. Additionally, counsel for the government will be traveling out of state during the weeks of December 25-29, 2017, and January 1-5, 2018.

8. In light of the above, the parties respectfully request that the Court briefly extend the time for a preliminary hearing to a date convenient for the Court during the week of January 8-12, 2018. The parties do not seek any other relief from the Court.

Respectfully submitted,

Dana J. Boente
United States Attorney

By: /s/ Eduardo F. Bruera
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ORDER TO EXTEND THE TIME
FOR THE RULE 5 PRELIMINARY HEARING

Upon joint motion of the parties, the Court finds that there is good cause to extend the time for the defendant's preliminary hearing and it is hereby ordered that the preliminary hearing will be held on January __, 2018, at ____.

SO ORDERED, this December ____, 2017.

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2017, I filed the foregoing with the Clerk of Court, which through the CM/ECF system will automatically generate a Notice of Electronic Filing (“NEF”) to the following counsel of record:

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